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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,597	04/05/2001	Garland R. Bullock	027448.0009	5682

22202 7590 11/03/2004

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,597

Applicant(s)

BULLOCK ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-32 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04052001.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-32 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 7-13, 17-18, 20, 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Gressel (U.S. 6,311,272).

As per claims 1 and 17, Gressel discloses a method and computer readable medium for replacing an applicant's existing master template with a replacement master template in a biometric verification system that stores an existing master template for each biometric sample for said applicant, said method comprising steps of: receiving a live image of a biometric sample from said applicant; generating a live template from said live image; generating a compatibility template from said live image if said live template fails to correspond to

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said existing master template according to predefined criteria; generating said replacement master template from said live image if said compatibility template corresponds to said existing master template according to predefined criteria; and storing said replacement master template (see column 5 lines 9-30).

As per claims 2 and 18, Gressel discloses the compatibility template is compatible with the existing master template (see column 5 lines 9-30).

As per claims 4 and 20, Gressel discloses the system stores multiple master templates for each biometric sample for the applicant (see column 5 lines 13-17).

As per claims 7-13, 23-29, Gressel discloses the biometric sample being a fingerprint, voiceprint, handprint, hand writing, hand geometry, facial geometry, and facial recognition (see column 6 lines 29-38).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 5-6, 19, 21-22 are rejected under 35

U.S.C. 103(a) as being unpatentable over Gressel as applied to claims 1 and 17 above, and further in view of Hoffman et al (U.S. 5,613,012).

As per claims 3, 5, 19 and 21, Gressel fails to disclose the system stores enrollment data and identification data comprising primary identification data, secondary identification data, if any, and financial account data, if any, for said applicant (for claims 5 and 21 Gressel discloses saving multiple copies as described in claims 4 and 20).

However, Hoffman et al teaches the system stores enrollment data and identification data comprising primary identification data, secondary identification data, if any, and financial account data, if any, for said applicant (see column 49 lines 52-63 where the address etc are the enrollment data).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to save the personal and enrollment data from Hoffman et al with the biometric data of Gressel.

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Motivation to do so would have been to provide a safer and more convenient way to identify someone (see Hoffman et al column 50 lines 45-47).

As per claims 6 and 22, the modified Gressel and Hoffman et al system discloses the method occurs when the applicant access the system (see Hoffman et al column 49 lines 52-63).

6. Claims 7-15 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gressel as applied to claims 1 and 17 above, and further in view of Association for Biometrics (AfB) and International Computer Security Association (ICSA) "1998 Glossary of Biometric Terms" (webpage) hereinafter AfB.

As per claims 14 and 30, Gressel fails to disclose the biometric sample being a retinal scan.

However, AfB discloses a retinal scan as a biometric (see Part III).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use AfB's retinal scan as a biometric sample in Gressel's system.

Motivation to do so would have been to analyze the blood vessels situated at the back of the eye (see AfB Part III).

As per claims 7-13, 15, 23-29, 31, the modified Gressel and AfB system discloses the biometric sample being a fingerprint, voiceprint, handprint, hand writing, hand geometry, facial

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geometry, facial recognition, and an iris scan (see AfB Part III).

7. Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gressel as applied to claims 1 and 17 above, and further in view of Houvener (U.S. 6,424,249).

As per claims 16 and 32, Gressel fails to disclose the biometric sample being thermal imaging.

However, Houvener discloses a thermal imaging biometric sample (see column 1 lines 15-30).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Houvener's biometric sample in Gressel's system.

Motivation to do so would have been for user authentication (see Houvener column 1 lines 15-30).

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bianco et al (U.S. 6,256,737) discloses a biometric based enrollment system, Piosenka et al (U.S. 4,993,068) discloses different types of biometric samples, and Tuai (U.S. 5,153,918) discloses replacement (updating) of a voice based biometric sample.

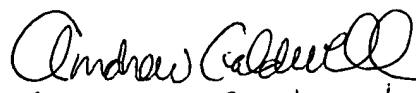
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
Andrew Caldwell